

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeftle, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

September 14, 2018

The Honorable Sarah Netburn, U.S. Magistrate
Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs reply to the September 13, 2018 letter of Assistant U.S. Attorney Sarah Normand.

Plaintiffs respectfully request that the Court permit the plaintiffs to file their motion to compel on October 1, in advance of the October 12 conference.

Plaintiffs' motion will permit the issues to be properly framed for the Court and make it possible to address those issues at the conference. The motion will also reduce the chance for any further delay.

The government states that it "has identified a subset of records that may be relevant to the allegations on which the Court has permitted limited jurisdictional discovery" and suggests that plaintiffs must wait for yet another statement from government counsel at the October 12 conference. By that time, it will be over six months from the date of service of the subpoena.

Except for three reports expressly requested in the subpoena, none of the documents "identified" by the government have in fact been identified or even described to the plaintiffs.

The government also claims that the plaintiffs' motion is "premature" but that is based on the government's own view of the facts and law, which is sharply disputed by the plaintiffs.

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It is time for the substantive issues to be presented before the Court. The government complains that a motion will delay the production of documents. That is a matter that can be considered by the Court when setting the motion schedule and should not bar plaintiffs from filing their motion.

Respectfully submitted,

KREINDLER & KREINDLER LLP

MOTLEY RICE LLC

By: /s/ James P. Kreindler

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For the Plaintiffs Exec. Committees

By: /s/ Robert T. Haefele

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